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OGC HAS REVIEWED.
Approved For Release 2002/05/07 : CIA-RDP86-01019R000200150026-0

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FY 1977 PROJECTED AGENCY SPACE REQUIREMENT

Address	Component	Cover	Office	Square Footage Storage	Special	Total Cost + or -
			- 56,405	- 1,240	- 220(SP1) - 440(SP2) - 13,600(SP3)	-\$ 516,485
			+ 92,500	+ 1,500	+ 1,000(SP1) + 2,500(SP3) = 2,500(SP4)	+\$ 948,042
			- 9,600	- 2,468	- 150(SP1) - 780(SP3) - 500(SP6)	-\$ 113,412
			+ 7,800	+ 1,000	+ 700(SP1) + 500(SP3)	+\$ 96,739
						-\$ 28,230
			- 2,980			
			+ 2,200	+ 75	+ 375(SP3)	+\$ 36,704
						+\$ 4,347
			+ 600			
			- 960			-\$ 7,632
			+ 1,050	+ 100	+ 150(SP3)	+\$ 12,353
			- 290		- 13(SP3)	-\$ 2,645
			- 450		- 18(SP3)	-\$ 3,182
			- 1,995			-\$ 19,452

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Address	Component	Cover	Office	Square Footage	Special Storage	Total Cost + or -
			+ 2,500		+ 500(SP3)	+\$ 42,855
			- 1,150			-\$ 7,181
			+ 1,200		+ 300(SP3)	+ 15,970
			+ 1,000		+ 250(SP3)	+\$ 9,935
			+ 8,340	+ 17,162	+1,420(SP3)	+\$132,350
			+ 500			+\$ 4,655
			+ 2,800	+ 2,000	+11,255(SP6)	+\$118,251
			+29,381		+ 150(SP1) + 75(SP3) + 7,829(SP4)	+\$367,461 <u>1,091,443</u>

The above is a listing of the projected Agency space changes that are expected to take place in FY 1976 but will have an impact on FY 1977 budget estimates.

New space was computed by utilizing the Tier I Rate Matrix (for space acquired after July 1975) and a 90 quality rating to determine the FY 1976 cost. The FY 1976 cost was escalated by 7.5 percent as advised by GSA to compute the projected FY 1977 cost.

For the projected decrease of space assignments, the actual FY 1976 cost was used escalated 7.5 percent.

TOTAL GSA PL 92-313 (ADJUSTED) ESTIMATE

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SLUC estimate adjusted \$20,477,940

[redacted] 440,750

\$20,918,690

Projected SLUC cost for additional 1977
space 1,091,443

Total Agency SLUC budget estimate \$22,010,133

SLUC 1977 estimate \$22,010,133

Estimated cost nonrecurring reimbursables 2,639,000

Estimated cost recurring reimbursables 6,175,016

Total Agency estimate 1977 budget \$30,824,149

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Comptroller to
FY 77 Submission

RENTAL PAYMENTS TO GSA
(Dollars in Thousands)

	1975	1976	TQ	1977
SLUC Payments:				
Base cost	\$13,611	\$20,211	\$5,432	\$20,910
Expansion	1,091
Reimbursable payments	4,247	4,904	1,347	6,175
Total	\$17,858	\$25,115	\$6,779	\$28,185
Personnel Estimates:				
Full-time permanent	16,348	15,835	15,835	15,817

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Rental Payments to GSA
(Dollars in Thousands)

	1975	1976	1977
STANDARD LEVEL USER CHARGES (SLUC)			
Base cost	\$13,611	\$17,185	\$18,065
Expansion	—	26	935
Total—STANDARD LEVEL USER CHARGES	(\$13,611)	(\$17,211)	(\$19,000)
REIMBURSABLE PAYMENTS	4,279	4,904	6,338
Total	\$17,890	\$22,115	\$25,338
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Standard Level User Charges

Funds are required for payment directly to the Administrator of General Services under P.L. 92-313 for space and services furnished to the Agency by the General Services Administration locations in the Metropolitan Washington Area and a [redacted] for approximately 2.5 million square feet of office, storage, and special-use space. The total estimate for 1977 is based on the continued need for space currently occupied, with only minor changes in space and service requirements. The funding level is based on rates established by GSA and approved by OMB. The total fund requirement for 1977 reflects a 15 percent overall reduction directed by OMB which is consistent with the similar reduction made by the Congress in our 1976 funds for payment of Standard Level User Charges to GSA.

Reimbursable Payments

Funds are required for reimbursement to GSA for recurring maintenance and guard services in excess of the level of such services normally provided by GSA and covered by SLUC payments. Included are preventive maintenance and stand-by services involving after-hours coverage of special use areas, critical utilities systems, environmentally sensitive equipment, other inspection and repair requirements considered by GSA to be unique to the Agency. Also included is supplemental security support provided by GSA's Federal Protective Service to meet minimum Agency requirements for access control and protection of CIA-occupied facilities in Metropolitan Washington Area, and for security and safety patrols to ensure the safeguarding of Agency property and official data.

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OGC 78-1423

17 March 1978

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MEMORANDUM FOR : Director of Logistics
FROM : [REDACTED]
Office of General Counsel
SUBJECT : Public Buildings Act Requirements
REFERENCE : Memo for EO/DDA from D/L, Subject:
Outstanding Requests to OGC; Dated
17 February 1978 (OL 8 0704)

1. This Office has in the past advised that, in the presence of a specific appropriation for a construction project normally subject to the Public Buildings Act, a failure to comply with the special authorization requirements of the Act does not render the appropriation invalid. As you are aware, the portion of the Act here pertinent (40 U.S.C. 606(a)) sets up a requirement that appropriations be approved by the Senate and House Committees on Public Works if they involve expenditures in excess of \$500,000 for the acquisition, construction or alteration of any public building. The legislative history of the Act indicates that, while an appropriation that had failed to be approved as required might be defeated by a point of order raised by an interested member of the Congress, the Congress could validly appropriate without regard to the Public Buildings Act if it chose to do so.

2. It continues to be the opinion of this Office that in those cases in which the Congress chooses to appropriate without regard to the Public Buildings Act, the funds thus appropriated are available for expenditure in accordance with the purpose of the appropriation. In such a case the Agency may certify to GSA pursuant to 41 C.F.R. 101-19.302 that the funds in question are available without regard to the provisions of the Public Buildings Act.

3. However, the Agency is in a position to so certify only when the Congress has explicitly appropriated for the construction, alteration or acquisition in question. Because the Agency's budget is not overtly appropriated by line item, the best evidence of which projects the Congress has approved and appropriated funds for are those specifically set forth in the congressional budget submission for the Agency, as modified by expressions of intent in

reports or otherwise regarding what is being approved when the Agency's budget is appropriated. An oblique or ambiguous reference in the budget submission will not suffice. It must be made clear in the budget submission placed before the Congress that funds in excess of \$500,000 are being requested for the construction, alteration or acquisition of a building. If these facts are not made clear, it cannot be fairly presumed that the Congress has chosen to disregard its own authorization requirement and is appropriating without regard to the Public Buildings Act.

(4. Because the certification requested by GSA to the effect that certain funds have been appropriated without regard to the Public Buildings Act is basically a legal determination, before such certifications are offered the facts and circumstances involved should be reviewed by this Office.

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OGC 77-2616
28 April 1977

MEMORANDUM FOR : Director of Central Intelligence

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VIA : Deputy Director of Central Intelligence

FROM

SUBJECT : Impact of the Public Buildings Act on
Certain CIA Programs

1. Action Requested: That you sign and direct the attached letters to the Chairmen of the House and Senate Appropriations Committees. The letters request the concurrence of the Chairmen in our position that funds appropriated for the Agency programs involved are available without regard to the special authorization requirements of the Public Buildings Act. Once we are in a position to certify this fact to the General Services Administration, work now being delayed can go forward.

2. Background: The Public Buildings Act provides that expenditures in excess of \$500,000 for the construction or alteration of Federal buildings be specially authorized by the Public Works Committees of the House and Senate. In excess of that amount are costs for a number of site preparation tasks which are required for installation of the computer equipment being procured for three programs improving CIA data handling capabilities (SAFE, ADSTAR and C-vault expansion). It is the position of the General Services Administration that unless the Agency can certify that the funds for these programs were appropriated without regard to the Public Buildings Act, performance of the required modifications to the CIA headquarters building must be delayed until the Public Works Committees approve these expenditures. The process of securing such approval is likely to require a year's time or possibly longer.

3. It is the Agency's position, and the opinion of this Office, that the Public Buildings Act applies only to Congressional authorization procedures prior to appropriation, and that, once appropriated, funds are available for expenditure by the Executive Branch without further requirement for authorization. CSA will accede to this view in those cases where the Congress

FLO: PLEASE SEND COPIES TO [REDACTED]

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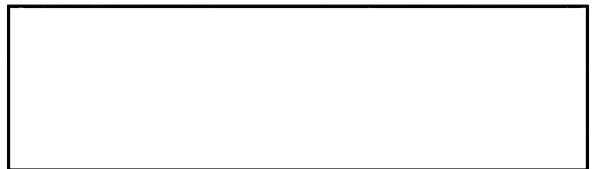
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specifically appropriated for the project in question with an awareness that construction was involved. Because there is some uncertainty as to the degree of such awareness on the part of the Appropriations Committees when they authorized the projects in question, clarification on this point is necessary before the Agency will be in a position to certify that the funds involved were in fact appropriated without regard to the Public Buildings Act.

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4. Recommendation: That the letters go forward to the Appropriations Committees and that a response be sought as indicated.



Attachments

Washington, D.C. 20505

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77-4746

24 May 1977

Honorable George Mahon, Chairman
Committee on Appropriations
House of Representatives
Washington, D. C. 20515

Honorable John L. McClellan, Chairman
Committee on Appropriations
United States Senate
Washington, D. C. 20515

Dear Chairmen:

In the process of executing the Central Intelligence Agency budget for the current fiscal year, an issue has been raised by the General Services Administration the resolution of which makes coordination with your Committees appropriate.

The Agency programs in connection with which the issue arises are those referred to in Director Bush's statements before your Committees, and in the budget submissions, as SAFE, ADSTAR and the C-vault expansion, all of which involve improving the Agency's capability for data handling. In order to implement these programs, the support of GSA has been solicited in order to accomplish the requisite site preparation and the power system improvements. By way of illustration, the equipment being acquired requires subfloor cableways, special cooling provisions, and a backup power generating source. While GSA has expressed a willingness to proceed with these tasks, the question has been raised as to whether expenditures for these reimbursable items, although necessary and incidental to the implementation of the overall programs, ought to be specially authorized by the Public Works Committees as building modifications in addition to being authorized as part of the National Foreign Intelligence Budget.

It is my understanding that your Committees were aware of all significant facets of the cited programs, including the requisite site preparation, when these programs were authorized, and that the sums appropriated for them are now available for expenditure without requirement for further authorization. If I am correct in holding this view, I shall, with your concurrence, proceed to assure the General Services Administration that this is the case so that these programs may move ahead as planned.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER
Admiral, U. S. Navy